

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Emergency Broadband Benefit Program)	WC Docket No. 20-445
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EXPEDITED PETITION FOR WAIVER

Pursuant to 47 C.F.R. § 1.3, Cable One, Inc. and its wholly owned subsidiaries Fidelity Cablevision, LLC, CoBridge Broadband, LLC, and Valu-Net LLC (collectively, “Cable One”),¹ by their attorneys, respectfully submit this Expedited Petition for Waiver to request the Federal Communications Commission (the “Commission”) grant Cable One a limited waiver of the Emergency Broadband Benefit (“EBB”) Program reimbursement rules on an expedited basis. Cable One requests that the Commission waive: (1) the requirement that Cable One claim reimbursement within 15 days of the first snapshot date that a subscriber is enrolled in EBB; and (2) grant Cable One an additional month to submit the first reimbursement claim for a newly-enrolled EBB subscriber, *i.e.*, until the 15th day of the next month following the first snapshot date for that subscriber. The requested limited waiver will serve the public interest and will not undermine the EBB Program or the ability of the Universal Service Administrative Company (“USAC”) to track EBB Program disbursements.²

¹ Each of the entities named in this Expedited Petition for Waiver has been approved by the Commission and the Universal Service Administrative Company to participate in the EBB Program.

² To date, the Commission has granted two similar waivers. *See, e.g.*, WC Docket No. 20-445, *Emergency Broadband Benefit Program*, DA 21-455, Order (rel. April 20, 2021) (“*Verizon Waiver Order*”); WC Docket No. 20-445, *Emergency Broadband Benefit Program*, DA 21-557, Order (rel. May 11, 2021) (“*Altice Waiver Order*”). In addition, at least three other similar waivers are pending. *See generally* WC Docket No. 20-445 (waivers filed by Cox Communications, Inc., United States Cellular Corporation, and Cellular South Licenses, LLC).

The Commission determined in the *EBB Program Order* that EBB Program reimbursements would be based on “a snapshot report of a provider’s enrolled subscribers as of the first of the month.”³ Providers are required to submit their reimbursement claims to USAC by the 15th of each month (or the following business day in the event the 15th falls on a weekend or holiday) for those households reflected on the monthly snapshot report.⁴ USAC will not process any reimbursement claim submitted after the 15th of the month, and providers may not revise any claims previously submitted.⁵

Cable One received approval to offer many different types of broadband Internet access pricing plans as part of the EBB Program. As a result, the reimbursement amount for each customer listed on the monthly snapshot will differ depending on the broadband Internet access service plan selected by the customer. The variety of pricing plan options will require Cable One to determine the reimbursement amount for each subscriber participating in the EBB Program. Although the Commission described the EBB Program reimbursement process as “largely track[ing] the process in the Lifeline program,”⁶ the EBB Program reimbursement process will be far more challenging for providers to navigate than the Lifeline reimbursement process given there will be no standard reimbursement amount for all EBB customers.

In addition, EBB providers will have significantly less time than Lifeline providers to determine the appropriate reimbursement amount for each customer and submit the associated reimbursement claim to USAC. Lifeline providers have one year from the snapshot date to submit

³ WC Docket No. 20-445, *Emergency Broadband Benefit Program*, Report and Order, ¶ 98 (rel. Feb. 26, 2021) (“*EBB Program Order*”).

⁴ *EBB Program Order* ¶ 98.

⁵ *EBB Program Order* ¶¶ 99-100. Providers also are required to certify to the accuracy of their reimbursement claims. *See id.* ¶ 100.

⁶ *EBB Program Order* ¶ 98.

a claim or make upward revisions to a previously-submitted claim.⁷ By contrast, the EBB Program rules only permit providers 15 days from the snapshot date to submit a reimbursement claim, and prohibit EBB providers from modifying previously submitted claims.⁸ The Commission determined these deadlines would allow the Commission and USAC to “track disbursements and to provide a projection for the depletion of the Fund that is based on the most accurate and up-to-date household and disbursement information.”⁹

For these reasons, Cable One respectfully requests an expedited limited waiver of the 15-day claim deadline for the first reimbursement request submitted for a newly-enrolled EBB customer. Grant of Cable One’s request will give Cable One an additional month – until the 15th day of the next month after the snapshot date on which an EBB customer first appears – to submit the first claim for that subscriber.

The Commission has authority to waive its rules for “good cause shown.”¹⁰ A waiver is appropriate when special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹¹ Further, the Commission may waive a rule where particular facts make strict compliance inconsistent with the public interest, such as considerations

⁷ See, e.g., [usac.org/lifeline/reimbursement/](https://www.usac.org/lifeline/reimbursement/) (“Service providers have up to one year after the data month to submit originals and upward revisions.”).

⁸ *EBB Program Order* ¶¶ 98-100.

⁹ *EBB Program Order* ¶ 100.

¹⁰ 47 C.F.R. § 1.3.

¹¹ *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

of hardship, equity, or more effective implementation of overall policy can be achieved on an individual basis.¹² As shown herein, special circumstances support grant of this waiver request.¹³

Cable One has been working diligently to update its procedures and billing systems to meet the requirements of the EBB Program. As noted above, Cable One has elected to offer the EBB discount on multiple service packages. The variety of EBB options provided to Cable One customers will require it to determine the appropriate EBB reimbursement amount for each subscriber on Cable One's monthly snapshot list. As such, Cable One will need to ensure the billing system has configured the appropriate reimbursement amount for each newly-enrolled EBB customer within the 15-day window. Providing additional time for Cable One to review the billing system and related data supporting its reimbursement claims for newly-enrolled EBB subscribers will give Cable One the necessary time to ensure its systems handle new EBB Program enrollments appropriately.

Grant of this limited waiver request will not materially affect USAC's ability to track disbursement requests and project the depletion of EBB Program funds, which was the underlying reason for the establishment of the 15-day deadline.¹⁴ Cable One is seeking a waiver of the 15-day deadline only for newly-enrolled EBB customers, and is seeking only a one-month extension of the deadline. Further, USAC will still be able to access the number of EBB subscribers by tracking the

¹² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969)).

¹³ *Altice Waiver Order* ¶ 8 (“we are convinced that the 15-day deadline for the first reimbursement claim for a newly-enrolled EBB subscriber poses a substantial hardship to Altice in its EBB Program participation and amounts to a special circumstance that warrants a deviation from the general rule”); *see also Verizon Waiver Order* ¶ 8 (same).

¹⁴ *Altice Waiver Order* ¶ 8 (“We find that granting this limited waiver will not materially undermine USAC's ability to track disbursements and forecast for the projected final month of the program as the waiver Altice is seeking is limited to a one-month delay of only a subscriber's first reimbursement snapshot.”); *see also Verizon Waiver Order* ¶ 8 (same).

number of EBB customers enrolled in the National Lifeline Accountability Database (“NLAD”), even if reimbursement claims have not yet been submitted for those customers.¹⁵

Grant of this waiver request is in the public interest because it will support Cable One’s ability to offer a wide range of broadband Internet access service packages and plans to which the EBB discount can be applied.¹⁶ Accordingly, grant of this waiver request on an expedited basis would be consistent with the Commission’s goal of encouraging “participating providers to make EBB Program support available for all its service offerings for eligible households.”¹⁷

¹⁵ In addition, it is likely most providers participating in the EBB Program will want to obtain reimbursement as soon as possible. *See, e.g., EBB Program Order* ¶ 98 (“For those providers seeking to have their reimbursement claim processed quicker, they must review and certify their reimbursement claims sooner, as established by USAC.”).

¹⁶ *Altice Waiver Order* ¶ 9 (“we determine that granting the Petition will serve the public interest because the objective of the EBB Program is to encourage as many service providers as possible to offer the EBB discount on a variety of services”); *see also Verizon Waiver Order* ¶ 9 (same).

¹⁷ *EBB Program Order* ¶ 37; *see also id.* ¶ 71 (“we believe that dictating the required offerings in a temporary program will discourage participation and result in less consumer choice than would otherwise be available if we provided participating providers with more flexibility. . . . we note that participating providers may apply the emergency broadband benefit to any of their eligible offerings”).

CONCLUSION

WHEREFORE, for the foregoing reasons, Cable One respectfully requests that the Commission grant it an expedited, limited waiver to allow Cable One an additional month to submit the first reimbursement claim for a newly-enrolled EBB customer, *i.e.*, until the 15th day of the next month following the first snapshot date the customer is enrolled in the EBB Program.

Dated: May 17, 2021

Respectfully submitted,

**CABLE ONE, INC.
FIDELITY CABLEVISION, LLC
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